

TITLE 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions

EMERGENCY RULE

15 CSR 40-3.180 Municipal Court Certifications Filed with the Auditor's Office

PURPOSE: This rule sets forth a procedure for a county, city, town, or village with a municipal court to certify its substantial compliance with the municipal court procedures specified in section 479.360, RSMo (Supp. 2015).

*EMERGENCY STATEMENT: Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill 5, First Regular Session, Ninety-eighth General Assembly, went into effect August 28, 2015. Section 479.360.2 in Senate Bill 5 specified, "On or before December 31, 2015, the state auditor shall set forth by rule a procedure for including the addendum information required by this section." The State Auditor's office filed a proposed rule on September 1, 2015, which was published in the October 1, 2015, **Missouri Register** and has now completed the notice and comment period for the final rule. This emergency rule has taken the comments received for the proposed rule into consideration and will allow a rule to be in place by December 31, 2015. The order of rulemaking on the final rule, which covers the same material, is published in this issue of the **Missouri Register**. The State Auditor's office believes this emergency rule is fair to all interested parties under these circumstances. The scope of the rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. This emergency amendment was filed November 30, 2015, becomes effective December 10, 2015, and expires May 31, 2016.*

(1) Any city, town, or village with a municipal court shall annually file with the State Auditor's Office a completed certification, which is included herein, and available on the State Auditor's website, or any certification which substantially comports with the specified certification and certifies that the municipal court adopted and substantially complied with the municipal court procedures specified by subsection 1 of section 479.360 during the preceding fiscal year.

(2) Any county with a county municipal court shall annually file with the State Auditor's Office a completed certification, which is included herein, and available on the State Auditor's website, or any certification which substantially comports with the specified certification and certifies that the municipal court adopted and substantially complied with the municipal court procedures specified by subsection 1 of section 479.360 during the preceding fiscal year.

(3) If the county, city, town, or village's fiscal year ended before August 28, 2015, but the county, city, town, or village files its financial report with the State Auditor's Office after August 28, 2015, the certification may specify which, if any, procedures required by subsection 1 of section 479.360 the municipal court has adopted, and certify during which portion of the fiscal year, if any, the municipal court complied with each procedure.

(4) If the county, city, town, or village's fiscal year ended after August 28, 2015, but any period of time covered by the certification includes a portion of a fiscal year that was prior to August 28, 2015, the certification may certify and specify substantial compliance for only that portion of the fiscal year after August 28, 2015 in which the municipal court complied with each procedure.

(5) The certification shall be signed by the municipal judge of the county, city, town, or village. If the municipal court has more than one (1) municipal judge, any municipal judge may sign the form or certification.

(6) The certification shall be submitted, together with the addendum required by 15 CSR 40-3.170, within six (6) months after the end of the county, city, town, or village's fiscal year. The certification shall be mailed to the State Auditor's Office at PO Box 869, Jefferson City, MO 65102, or emailed to PolySubFS@auditor.mo.gov.

(7) Any city, town, or village that does not have its own municipal judge because it has all municipal violations adjudicated by a county municipal judge, or by a circuit or associate circuit judge, is not required to file a certification.

(8) To facilitate auditing, the county, city, town, or village shall retain documentation supporting the information provided by the certification in accordance with prescribed record retention procedures.

FORM HERE

AUTHORITY: sections 29.100, RSMo 2000, and sections 479.360 and 479.362, RSMo (Supp. 2015).